REMARKS

ON THE

POOR LAW AMENDMENT ACT,

AS IT AFFECTS

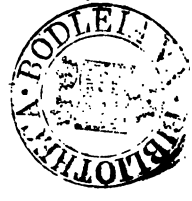
UNIONS, OR PARISHES,

UNDER

THE GOVERNMENT OF GUARDIANS,

OR

SELECT VESTRIES.



BY

JOHN MEADOWS WHITE,

THE SOLICITOR EMPLOYED IN PREPARING THE ACT.

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TO

THE POOR LAW COMMISSIONERS

FOR ENGLAND AND WALES,

&c. &c. &c.

THE FOLLOWING REMARKS

ARE,

WITH THEIR PERMISSION,

RESPECTFULLY INSCRIBED.

NOTICE.

DURING the progress of the Poor-Law Amendment Bill through the two Houses of Parliament, public attention was called to so many points as being within its scope, which were in fact expressly excluded from it, that, since it has become an Act, many of its readers have looked at it with preconceived notions of its purport which they have found it difficult to reconcile with its provisions in their literal and plain meaning. Much misapprehension has hence arisen as to its application, and more particularly in parishes governed by guardians or a select vestry, with reference to the relative powers of justices, guardians, vestries, and overseers.

The length of the Act, and its being intended for application to between fifteen and sixteen

thousand places, maintaining their own poor, each perhaps having some variety in its form of government, and most of them some peculiar abuse of the existing Poor Laws, have made it improbable that all its provisions should be at once fully understood by the governing body of any one parish or district. In the hope of assisting to remove these difficulties, and to show that the Act has only to be read with care in order to make it easy of application, and also of giving humble yet earnest aid in the great work of Poor-Law Reform, the following pages have been written.

J. M. W.

1, *Frederick's Place, Old Jewry,*
8th October, 1834.

REMARKS,

&c. &c.

By the Interpretation Clause (clause 109) it is enacted, that "the word '*union*' shall be construed "to include any number of parishes united for any "purpose whatever under the provisions of this act, "or incorporated under the 22 Geo. III. c. 83, "intituled 'An Act for the better relief and main- "tenance of the Poor' (Gilbert's Act), or incorpo- "rated for the relief or maintenance of the poor "under any local act."

By the same clause the "word '*guardian*' shall "be construed to mean and include any visitor, "governor, director, manager, acting *guardian*, "vestry-man, or other officer in a parish, or union, "appointed or entitled to act as a manager of the "poor, and in the distribution or ordering of the "relief to the poor from the poor rate, under any "general or local act of parliament."

There are so many parishes which form part of a union or incorporation, or are controlled or governed by a select vestry, or by guardians under some general or local act of parliament, and which are, by the effect of the clause above cited, brought immediately under the operation of the new act, that it

is presumed some remarks, pointing out how the act operates upon them, may be useful.

Such parishes are affected in two ways. In one, by the mere operation of the act, and without the intervention of the commissioners, and in the other, by such intervention. The former is the more important, inasmuch as the provisions of the act are at once in force, and parishes with their guardians are bound to take notice of them, and have no privilege or power of appeal, no time for doubt or deliberation. But where the commissioners intervene, it must be by rules, orders, or regulations; and as their promulgation is optional with the board, and do not come in force until after the lapse of sufficient time for considering their effect and ascertaining their meaning, it will not be necessary to dwell much on this part of the subject, although it may be convenient to draw attention to it.

For the same reason it may be well to add a few observations on the power of the commissioners to effect unions, and the advantages attending such a mode of parochial government.

It should, however, be premised, that by the 2d clause the commissioners, and by the 12th clause the assistant-commissioners, are empowered to summon, enforce the attendance of, and examine witnesses, to make inquiries, and call for returns, and enforce the production on oath of books, accounts, &c., upon any question or matter connected with or relative to the administration of the laws for the relief of the poor; and, by the 13th section, a party refusing to attend or act in obedience to the summons of a commissioner or assistant-commissioner,

or to produce papers, &c., is guilty of a misdemeanour. These clauses apply to all parishes, whether governed by guardians or a select vestry, or incorporated or not.

The following are the Clauses immediately affecting Unions, or Parishes, under special Government.

By the 19th clause, it is declared, that no bye-laws at present in force, or hereafter to be made, nor any rules, &c. of the commissioners, shall have the effect of compelling the attendance of the inmates of workhouses, at religious services inconsistent with their creed. And by the same clause, workhouses are now open to any licensed minister of the persuasion of any inmate who may require his attendance for himself or for the religious instruction of his children. The spirit of this clause is that of securing religious liberty, and at the same time guarding against its abuse. Hence it will be the duty of guardians so to revise their bye-laws, and arrange the discipline of the workhouse, as to fix at what times in the day it can be made available to those who seek the benefit of the clause.

By the 21st clause, it is enacted, that, *except where otherwise provided by this act*, the powers and authorities of 22 Geo. III. c. 83. (Gilbert's Act), the 59 Geo. III. c. 12. (Select Vestry Act), and the acts for amending the same, and of every other act, general as well as local, for governing or managing the poor, are to be exercised by the

parish or union, is required to pass his accounts quarterly before the guardians, or other persons duly authorized or accustomed to audit such accounts; or, in default of any provision for the auditing, &c. of such accounts, before the justices of the petty sessions; and such accounts must be verified on oath, and a summary mode of recovering any balances of these accounts is given. In incorporated districts it is usual to pass the accounts quarterly; no great inconvenience will therefore result from this enactment; but if it have been neglected in any union, it behoves the guardians to correct their error.

By the 50th clause, the 45 Geo. III. c. 54, which requires contractors to be resident in the parish where the poor are maintained, their sureties to be householders of the same parish, and the penalty of the bond to be not less than one half of the amount of the preceding year's poor's rate, and to be approved by two justices, and by which the contract was to cease when the contractor removed from the parish, is repealed; hence the power to effect contracts is thrown open—an extension highly beneficial to the parishes.

We next come to the 53d and 54th clauses, two perhaps of the most important and difficult clauses in the whole act. The former of these clauses repeals the 36 Geo. III. c. 23, an act well known as the source of all the great evil of out-relief, inasmuch as it distinctly authorizes the allowance by overseers, with the approbation of the inhabitants in vestry, or the justices, of relief to poor persons at their homes. This power was limited in the first instance, but extended by the 55 Geo. III. c. 137,

s. 3, also here repealed. And the same clause repeals so much of the 59 Geo. III. c. 125, ss. 2 and 5, as gave the justices power to order relief in certain cases where there was a select vestry, and in certain cases where there was not a select vestry.

The 54th clause declares how, in such cases, out-relief shall in future be given, and to what extent the justices may interfere where there is a select vestry or guardians.

As to the provisions of the 53d clause, they are not perhaps (with the exception of the partial repeal of 59 Geo. III. s. 12) quite within the scope of these remarks. But their effect is so important, and so connected with the general principle of the whole act, whether affecting unions or not, that it may be well to consider them at some length.

It has been supposed that the repeal of the justices' power to order relief under the acts recited or repealed in this clause, ousts them altogether of their jurisdiction as to out-relief; and that the denying to the overseers, in some cases, the power of giving out-relief, necessarily involves a general cessation of that mode of assisting the poor, and a consequent enforcing of residence in a workhouse. Neither of these suggestions is correct.

By the 36 Geo. III. c. 23, s. 1, the overseers, with the approbation of the parishioners, or the majority of them, in vestry or other usual place of meeting assembled; or, with the approbation of any justice or justices, were authorized to relieve poor persons at their own homes, under certain cases of temporary illness or distress, and in certain cases respecting such poor person, or his, her, or their

family; or respecting the situation, health, or condition of any poor-house, notwithstanding the provisions of the 9 Geo. I. c. 7. By the 2d clause, the justices were empowered, at their discretion, to order relief to any industrious poor person, and the church-wardens and overseers were enjoined to obey such order. The 3d section required the justices to assign the cause of ordering relief in the order, and limited the duration of the order to one month; adding a power to extend this period, first administering an oath as to the need or cause of such relief, and summoning the overseer to show cause why it should not be given: and the 4th clause restrained the act from taking effect in incorporated districts, or in parishes governed by any special act of parliament. The 55 Geo. III. c. 137, s. 3, extended the period for which the order might be made to three months, and, if made by two justices, to six. The 4th section, limited the amount of relief to three shillings per week for each person relieved, or three-fourths of the costs of maintaining a pauper in a workhouse.

It is evident that there is no case to which these provisions would not extend, and hence the sole reason for ordering relief, and the sole measure by which it has been given, have been the demand of the pauper, and the will and discretion of the justice.

These dangerous powers are repealed by the 53d clause of the new act. Hence the 9 Geo. I. c. 7, which the 36 Geo. III. c. 23, professed to amend, and did in fact suspend, is revived, and is now in force. This act, after reciting the 3 and 4 William and Mary, c. 11, s. 11, (which required a register to be kept of the person receiving

relief, and that no person not entered in such register should be relieved except by the authority and under the hand of a justice,) enacts by sect. 1, that no justice should order relief until after oath of some matter which he should judge to be a reasonable cause or ground of having such relief, and that such person, by himself or some other, had applied for relief to the parishioners of the parish in which such person should dwell, at some vestry or other public meeting, or to two of the overseers of the poor of such parish, and was by them refused to be relieved; nor until such justice had summoned *two* of the overseers of the poor, to show cause why relief should not be given, and the *person* so summoned had been heard, or made default to appear. The 2d section requires that the person so ordered to be relieved shall be entered in the parish book so long as the cause for such relief shall continue, and no longer, and that no officer (except on sudden and emergent occasions) should, under a penalty of 5*l.*, bring to the account of the parish any monies he should so give to any poor person who is not registered in the parish book as a person entitled to receive collection.

Sect. 4 authorizes churchwardens and overseers, with the consent of the major part of the parishioners or inhabitants in vestry, or other public or parish meetings for that purpose, assembled upon usual notice thereof first given, to purchase, or hire, any house or houses in the same parish, and contract with any person for lodging, keeping, maintaining, and employing, any or all of their poor who shall desire to receive collection, and there keep, maintain, and employ them, and take the benefit of their work.

And in case any poor person should refuse to be lodged, kept, or maintained, in such house or houses, he should be put out of such collection book, and cease to be entitled to such relief; and the same clause gives small parishes the power to unite in purchasing, hiring, or taking such house, and empowers the churchwardens and overseers of one parish to contract with those of another, for lodging, keeping, and maintaining their poor in such house; and any poor person refusing to be lodged, &c., in such house or houses, shall in like manner cease to be entitled to relief.

Under these provisions, until the 36 Geo. III., the order of a justice would be superseded by a tender of the workhouse; and the 36 Geo. III. being now repealed, it follows, that in parishes not incorporated under Gilbert's Act, nor governed by any special act, where there is no workhouse, or where the workhouse is not tendered, any justice, usually acting for the division in which such parish is situated, may order relief, observing the forms required by the 9 Geo. I.*

In parishes forming part of a union or incorporation, or governed by guardians under any local act,

* In parishes not united nor governed by guardians, the 3 and 4 William and Mary, c. 11, is now in force. By the 11th section of this act it is required, that in every parish a book be kept, in which shall be entered the names of all persons who do or may receive collection under the 43 Eliz., with the day and year when first admitted to have such relief, and the occasion that brought them under such necessity; and the parishioners are required at the Easter meeting, or oftener, in every year, to call over the names of the persons entered in such book, and to examine the reasons of their receiving such relief; and a new list is to be made of the persons whom they may think fit, or allow to receive the

or under Gilbert's Act (22 Geo. III. c. 83), or under the 1 and 2 Will. IV. c. 60 (generally known as Sir John Hobhouse's Act), the powers of the overseers and justices are more strictly confined. The 36 Geo. III., as we have already seen, did not extend to parishes where there were guardians, for the guardians being expressly appointed to the office of controlling or directing the relief of the poor, the power of the justice to control the parish officers would not be needed, and might produce a conflicting jurisdiction. It has nevertheless been exercised; partly through an assumption of power which did not exist; partly through the negligence, or with the consent, of guardians or parish officers, who were glad to throw on the justices the difficult and ungracious task of dispensing a fund paid unwillingly, and received not only without thanks, but under the impression, that whatever might be

same; and no other person is to be allowed to receive relief, except under the hand of a justice, which exception is restricted by the provisions of 9 Geo. I. above cited.

It is not a little singular, that the recitals prefixed to the 3 William and Mary, c. 11, s. 11, state the unlimited power of the parish officers, and their giving relief without sufficient cause, to be the inducement for requiring a register to be kept, under the superintendance and control of the parishioners; and that the parish officers should not allow relief to any other person, except by the order of a justice. But the 9 Geo. I. recites as a reason for its provisions, that many poor persons have obtained relief through the justices, on frivolous pretences, without the knowledge of the parish officers.

The 36 Geo. III. combined the two evils, by giving full discretion both to parish officers and justices. This double facility for giving relief, independent of the rate-payers, has led to the present enormous evil which the regulations of the new act are intended to remedy.

obtained, no matter by what means or to what extent, was only a portion of what the applicant had a right to demand; and in some cases the power of the justices was reserved by the select vestry or local acts. The 54th clause of the new act at once over-rides all these cases, and defines the powers of justices, guardians, select vestries, and overseers.

By this clause the whole power of ordering, giving, and directing relief to the poor, in any parish under the government and control of guardians or a select vestry,* shall appertain and belong exclusively to such guardians or select vestry, according to the provisions of the several acts under which they were appointed, subject, of course, to the control of the commissioners. Under this power, which is given without appeal, it will rest with the guardians or select vestry, and with them alone, to order relief in the parishes under their control, except in the particular cases specified in the section, where overseers or justices are allowed to interfere. The power of the commissioners, as before remarked, may control them; but, until this is the case, the guardians and select vestries will be the parties entitled, according to the existing laws, to administer the relief according to this section and section 21.

The section next declares it shall not be lawful for any overseer of the poor (which word includes any parish officer engaged in the distribution of relief) to give any farther relief from the poor rate,

* See the interpretation clause for the extended import of these terms.

except such as shall be ordered by such guardians or select vestry, and except in cases of sudden and urgent necessity; and then he is required to give temporary relief in articles of absolute necessity, but not in money, and whether the pauper belong to his parish or not.

This provision is to meet two cases; one as it respects the situation of the overseer, and the other as it regards the pauper. For, as an overseer is punishable if he neglect his duty, it would be hard upon him to be liable to that punishment if he do not relieve, and also liable to a penalty if he disobeyed the guardians or vestry, who might prohibit this or that kind of relief, or the giving of relief to this or that person. To meet this, in cases where the overseer might be chargeable with neglect, there is sufficient in the power here given to save him; and the provision also meets cases which might occur between one meeting of the guardians and another. And, with reference to the pauper, he is protected from the consequences of any neglect on the part of the guardians, or from any oppressive application of rules against out-relief. But it must be particularly noticed, that the case must be one of necessity, and must be sudden as well as urgent, and the relief must be temporary. In most cases, guardians, if they perform their duty, meet sufficiently often to prevent inconvenience to the overseers or the poor; and provision is usually made by their bye-laws, or by their weekly or monthly boards, against casualties between each meeting.

The legislature has now declared this shall not

rest with the guardians, and has imposed as a primary duty on the overseers the attending to sudden cases. If the case be not sudden and urgent, or if the relief be extended beyond the next meeting of guardians, or be given in money, or in articles not absolutely needed, the amount is liable to be disallowed in the overseers' accounts, and the loss would be his. As a further protection to casual paupers, or to paupers belonging to other parishes, whom the overseer, by a mistaken view of his duty, or by neglect, might refuse to relieve, power is given to a justice, in the event of the refusal or neglect of the overseer to give temporary relief in the cases last mentioned, in articles of absolute necessity, but not in money; and any overseer disobeying such order, is liable to a penalty of 5*l.*

A further power is given to any justice to order medical relief in cases of sudden and dangerous illness, whether the pauper belong to the parish where it is ordered or not; but beyond this the power of the justices in parishes governed by guardians, or a select vestry, does not extend.

The provisions of this clause are so plainly expressed, that it would only seem necessary to read it with the aid of the Interpretation Clause in order to arrive at its true meaning. But there have been some doubts raised on the operation of the words "under the government," or "control of any guardians of the poor;" as in some local acts, notwithstanding the appointment of guardians, power is reserved to parish officers to administer relief independent of them. It is apprehended that the provisions of

this clause were framed chiefly with a view to meet this very mischievous class of cases; and so many abuses have arisen from the overseers acting independently of the guardians, that the legislature has thought fit to deprive the former of their power, by express enactment. It is scarcely possible to conceive a case where the control or government of a parish is not vested in guardians of the poor, where such officers exist; for, if they have not a control of some kind or another, it is difficult to understand the object of their appointment.*

It is very possible that, from the want of due attention to this clause, many overseers may have continued to relieve as heretofore, thinking that the commissioners alone were to vary their mode of giving relief; and in this view the guardians have probably acquiesced. When this has happened, it will be in the power of the guardians (and it will be an act of mere justice to the overseers) to sanction such allowances, and thus as it were pass a bill of indemnity in their favour. In fact, till the commissioners interfere, the power which they may exercise over the guardians, may be exercised by the guardians with respect to the overseers; that is, they may allow or disallow what they please, so far as the ordering of relief rests in their discretion. But

* Thus in the Hundreds of Colneis and Carlford, in Suffolk, the administering of out-relief is vested by their last act in the churchwardens and overseer, but the directors have the power to summon these officers on any complaint against the mode in which relief is administered; and the general control of the parishes and the poor is vested in them. Here it is clear that the 54th clause applies; and such is probably the case in most of the local acts on which a doubt can arise.

the guardians must bear in mind, that as the discretion to allow or disallow any payments, made irregularly by the overseers, rests with them, so the discretion to sanction, or not to sanction, any disregard or neglect of duty by the guardians rests with the commissioners. It will therefore be expedient for the guardians, whose powers are greatly increased by this bill, as soon as they can, to take measures for exercising these powers, and giving counsel and direction to the overseers in the difficult duties which are imposed upon them. Frequent meetings of the guardians must take place, if the meetings have not been frequent before; otherwise the parish officers will be overwhelmed with sudden and emergent cases of necessity. And as it would be unreasonable to suppose that the commissioners will interfere actively till the wants and circumstances of a parish or union be known to them, it is plain, that if the guardians address themselves to the task of local inquiries, as the first step to local reform, they will be rendering an incalculable benefit to themselves, and their constituents, the rate payers, as well as to the commissioners.

The 56th clause, declaring that relief to the wife shall be considered as relief to the husband, and to the child under sixteen as relief to the father, or mother, if a widow, may almost be said to be a mere technical distinction from the old law, which made the husband, or parent, liable where such relief had been given. The object of the clause is to prevent the spreading of that refined abuse of the relief system, which treats every member of a family as a distinct object of relief, and to throw more

stringently on the parents the duty of maintaining their offspring. The proviso reserving the operation of the 43 Elizabeth, c. 2, which makes parents and children reciprocally liable to assist each other if their means allow, has the effect of retaining this liability after the child has passed the age of sixteen. The sole difference is this :—Till sixteen relief to the child is actually relief to the parent. After sixteen, it is relief to the child, and may be treated as a loan to him independent of his parent, and the parent is only liable for the amount, upon the order of justices under the 43 Elizabeth, and subsequent acts on this point, having due regard to the means which he may possess of assisting in the maintenance of his child.

Connected with this is the 76th clause, which gives a summary remedy, not existing under the old law, for the recovery of any sums assessed by the justices under this provision of the 43 Elizabeth.

The 57th clause extends these provisions to such persons as, after the passing of the act, shall marry women having children, whether legitimate or illegitimate, at the time of their marriage.

The guardians have the option of availing themselves of these provisions, without waiting for instructions from the commissioners ; and they will have to consider how far it may be their duty to enforce them.

The 60th clause varies the old law only so far as it repeals the statutory allowance given by the 43 George III. c. 47, to the wives and families of balloted men ; the 51 George III. c. 20, s. 20, having already repealed this allowance, so far as it related to the wives and families of militia men,

the wives and families of the class of persons named in this clause will in future have no further claim than other paupers. It must be recollected, however, that they have the same claim as other paupers, a claim resting on the merit of each particular case.

The 62d, or Emigration Clause, rests solely with the owners and rate-payers of a parish, independent of any guardians or overseers. This clause may, therefore, be put in force in parishes forming part of a union. But it may be well to point out that the 63d clause, which authorizes the borrowing of money from the Exchequer Loan Bill Commissioners, on the security of the rates, for the purposes of emigration, or building or altering workhouses, cannot be made available in a union except by the guardians.

The Settlement Clauses (64, 65, 65), prevent not only the acquisition of settlements, by hiring and service, or renting a tenement, unless it be also rated, and the rates have been paid for a twelve-month, but also the completion of any settlement of the like kind not absolutely completed at the passing of this act.

Clauses 67 and 68, abolishing apprenticeship by sea-service, and requiring a certain residence in the case of settlement by estate, are prospective.

The Bastardy Clauses (69 to 76 inclusive) apply only to cases of bastards born after the passing of the act. The old law remains in full force as to bastards born before that period.*

* The bastardy laws are varied by these clauses, so far as they affect, 1st, the woman, by exempting her from liability to be imprisoned as a lewd woman, or removed, when with child, as being

Clause 77 restricts officers of a parish or union, appointed after the passing of the act, from supplying for their own profit any goods, &c. to the poor;

chargeable; and from all the accompanying exposure and shame of parochial investigation previous to the birth of the child, or afterwards, until the parish is called on for its support. And, on the other hand, she is made liable to the support of her offspring, which is to follow her settlement.

2dly, As they affect the man, by exempting him from liability to be charged as the putative father before birth, and compelled to enter into recognizances with surety, without power of appeal, or of rebutting the oath of the woman, and to be imprisoned if the recognizances were not duly given. And after birth he will be chargeable only with monies actually expended for the maintenance and support of the child; and all liability ceases on the child attaining seven years of age. Corroborative evidence of the woman's oath is also required before the affiliation can be made; and when charged, he is required, after notice, to enter into his own recognizance to appear. If the order be made, the remedy, in default of payment, is by attachment of wages, and he is no longer subject to imprisonment.

3dly, As they affect the parishes, sums actually expended can alone be recovered, and the order must be made at the quarter sessions, at the risk of costs, if the evidence, which must not be that of the woman only, be not sufficient to charge the man.

The general effect is, to place the woman in the situation of a widow with children. It is not thought a hardship that a widow, if she be able, should maintain her children; and although a girl with a bastard may not meet with the sympathy which a respectable widow obtains, the irregularity of the former ought not to be made the ground for any special provision in her favour. Beyond this provision of maintaining her child, the alteration is wholly for her benefit. Under the old law she had no claim on the father, nor on the parish, but what is still left to her; for if she cannot maintain herself or her child, she will of course apply to the parish and be relieved, as a widow would.

There is no doubt that the alterations are in favour of the man, but not at the expense of the woman. The chief opposition to the alteration of the old law, however, in the latter part of the discussion, was based on the alleged cruelty of throwing the burthen on the woman and not on the man. As between the two, no other law

and this provision is extended to officers appointed before the passing of the act, if they remain in office after the 25th March, 1835. This provision pre-

ever existed. The parishes, it is true, have had their remedy much curtailed, but its mode of operation, and the gross abuses which the old law has led to, have rendered this remedy very equivocal in its character. It is doubtless right, in a penal point of view, to punish an offender; but it is also the undoubted right of an accused person to have his crime proved by clear and disinterested evidence. It cannot be denied, that the single evidence of a woman likely to become chargeable to the parish, unless the parish can, by her aid, fix the burthen on some one else, is as unlike the evidence usually required for a conviction in our courts of justice as possible. There may be great difficulty in obtaining other evidence than that of the mother in a case of affiliation; but the same difficulty occurs in a case of action for loss of services, where the daughter or servant is examined as the chief evidence, and other evidence is generally required and given before a verdict can be obtained. In an action for criminal conversation the evidence of the female is excluded. And in all cases of conviction on the testimony of an accomplice, corroborative evidence, no matter how difficult to be obtained, is generally looked for before a verdict of guilty is pronounced. It may also be remarked, that if the two systems be compared, there is now on the part of the parish no greater difficulty in obtaining further evidence to support, than there was formerly on the part of the man to rebut, such a charge. In Scotland, besides the woman's oath, further *presumptive* evidence (termed *semiplena probatio*) is required. But there these cases are treated as matters of action by the woman against the man, and on conviction an annuity of 10*l.* to 15*l.* is generally awarded for the maintenance of the child during its period of nurture,—rarely exceeding seven years. If the legislature should think fit to introduce such a remedy into England, it can of course do so; but none such has yet existed. Or if it choose to treat the man as a criminal, instead of a debtor to a parish, this novelty might also be tried; but it is obvious that they are points distinct from any question of poor laws. Perhaps, if local courts be introduced, actions for loss of services might be allowed, where the damages sought are under a limited amount. This would be only an alteration of the present law, and so far an improvement that it would be putting a remedy within the reach of humble suitors who could not strictly sue *in*

vents the supply of articles by retail, or in the ordinary mode of buying and selling, the former law being confined to contracts.

The Appeal Clauses (79 to 84 inclusive) come in force on the 1st of November, so as to clear the Michaelmas Sessions. They are strictly legal clauses, and the guardians and parish officers will, of course, be duly advised as to their application and effect; it may, however, be remarked, that the provision requiring the grounds of appeal to be stated with the notice, is similar to those in daily practice in cases brought before the King's Bench for argument or decision. Whilst, therefore, precaution will be required in stating the full case to be relied on, there will be no necessity for prolix detail, for in the King's Bench practice such detail is rarely found necessary.

By the 86th clause, any instrument made in pursuance of this act, and the appointment of any paid officer, is exempted from stamp duty; and by the 87th clause, this exemption is extended to certain bonds given under Gilbert's Act.

Clause 89 declares illegal and subject to disallowance all payments and allowances made by guardians

formâ pauperis, as they must at present, unless they are content to incur heavy costs.

It was further urged, that compelling the woman to maintain her infant would lead to infanticide, and exempting the man would be an encouragement to seduction. It is impossible to believe that both sexes are so depraved as these arguments assume. If murder and incontinence be really the characteristics of English-women, and the arts of the seducer and the profligate those of the men, the preservation of the old bastardy law was little to be relied on as a preventive or a cure, or the introduction of the new to be feared as an encouragement.

as well as overseers, contrary to the provisions of the act.

This clause requires attention; for whilst, on the one hand, it checks an overseer from acting contrary to, or without, the orders of a guardian, in addition to the express penalty for such disobedience where the order is legal and reasonable (see clause 95), it also renders him subject to the disallowance, if he obey the illegal order of a guardian. Hence, if a guardian were to order an overseer to relieve sudden cases in money, contrary to the provisions of the 54th clause, he would, by obeying such order, incur the risk and penalty of paying it out of his own pocket.

The clauses 91 to 94, inclusive, repealing certain portions of the distillery acts, which prohibit the introduction or consumption of spirits in workhouses, and re-enacts them with smaller penalties, but extended to fermented liquors, and which also inflict penalties on masters and other officers of workhouses for ill usage of paupers under their care, are in immediate operation. Every master of a workhouse, who has not these clauses printed or written, and hung up in a conspicuous part of the workhouse, is liable to the penalty of 10*l.**

Clause 95 imposes a penalty of 5*l.* on officers wilfully disobeying the legal and reasonable orders of justices and guardians; and clause 96 exempts overseers from any penalty for disobeying the illegal order of any justice: overseers must be careful in their judgment whether a justice's order be illegal or not.

* Shaw the printer, of Fetter Lane, has them printed for the purpose.

Clause 97 imposes heavy penalties on officers and others employed by guardians purloining and embezzling goods, &c.

The remainder of the act, so far as it immediately affects unions, consists of provisions for recovery of penalties and appeals in cases of grievance and the Interpretation Clause. The latter ought always to be borne in mind in considering any part of the act.

On the whole, therefore, it may be noticed, that in the provisions where the intervention of the commissioners is either unnecessary or forborne to be exercised for a period, the guardians retain their former power, and have much additional power conferred on them, but the power and discretion of the overseers are much curtailed. As the latter cannot be expected to take upon themselves more responsibility than the act imposes on them, it behoves the guardians to assist the overseers, by early and clear directions how they are to act until the powers of the commissioners are set in motion.

What the Powers of the Commissioners are, and in what Case, and how they may or must be exercised in Unions and Parishes where there are Guardians, must now be noticed.

It may be premised that, except in calling for returns or papers, or the examination of witnesses, and in the confirmation or disapproval of bye-laws under the 22d clause, the commissioners, by the 15th clause, can only execute the powers given them by the act, by means of rules, orders, or regulations.

It is important to notice this, because, until they be issued (as we have already seen) the parochial or district authorities duly constituted are, by the 21st clause, not only entitled, but required to act as if there were no commissioners in existence.

The 16th clause requires these rules, if general, that is to say, addressed to more than one union or parish, (except for the purpose of forming a union,) to be sent to the Secretary of State, forty days before they come into operation; and whether general or not, by the 18th and 20th clauses, all rules, orders, or regulations, are required to be sent to overseers or guardians, or their clerk, and the clerk to the magistrates of the division in petty sessions, and be with them fourteen days before they have any force.

Guardians and overseers may therefore rest satisfied that they cannot be taken by surprise in any intervention of the commissioners; and they will have ample time for preparation, provided they take care to call meetings, and attend to the rules and other communications of the commissioners as soon as they are received. It is not unfrequently the case in country parishes, to lose a week or two in coming to a decision as to the period when they shall begin to deliberate upon a point. This morbid system of transacting business must be guarded against, by arrangements for prompt notice and discussion; and the best preparation will be found in the activity and attention required in carrying those parts of the act into execution which have already been noticed as being obligatory on the parishes, without the interference of the commissioners.

The same may be said with regard to the assistant commissioners. Notification of their appointment must be published in the London Gazette before they can act, and sent to the clerks of the peace of each county, who will advertize the appointment in the provincial papers (Clause 11); and when on duty, no rules of the assistant commissioners can have effect until adopted and issued under the seal of the commissioners, and sent to the unions or parishes which they may affect; and even in these cases the delays required before the rules, &c. of the commissioners can have any force must be observed. (Clause 20.)

Hence it is obvious, that in every case the act enjoins and provides for cautious deliberation; and the usual process of bringing its provisions into full operation in a union will be for the guardians to meet in the first instance, form themselves into committees to inquire into the present state of the places within their jurisdiction, appoint local or parochial committees to prepare and render returns, report the result to the commissioners, suggest remedies or impediments to any remedy, require their intervention, either by advice or by rules, &c., or by sending an assistant-commissioner; and on his arrival, assist in his inquiries and plans for amelioration, and finally, act as the commissioners may determine.

The 21st clause has been amply discussed. The proviso allowing commissioners and assistant commissioners to attend vestries and boards of guardians is intended, on the one hand, to give the opportunity of observing the mode of conducting business, and

on the other, of receiving suggestions for improvement. The restriction from voting guards the provision from abuse.

By the 23d clause, the consent of guardians is required before the commissioners can order the erection, enlargement, or alteration of a workhouse. But by the 25th, alterations, &c. may be ordered by the commissioners without such consent, although they are limited to a tenth of a year's rates, on an average of the three preceding years, but not exceeding in the whole 50*l.*

This can only be effected by an order, and the order once made cannot be repealed. Beyond this there is no power of disposing of the parish money except by the consent of the rate-payers, or their representatives, the guardians or overseers. There will be some difficulty in applying this power to the common workhouse of a union, as 50*l.* may be a maximum for one parish, whilst it would be a minimum to another. But it is to be observed, in unions it may, and probably would, be made available to the alteration or enlargement of houses belonging to the parishes, for the reception of some of their poor; and it might be well worth the consideration of the guardians, whether, where any such facilities exist, a parish should not be recommended to receive their aged and infirm in these receptacles once made comfortable for them, so as to reserve the united workhouse for such of their paupers as require strict supervision either with reference to work or discipline.

The 29th clause renders it imperative on the commissioners to inquire and ascertain the present

state of the proportions or averages paid by the respective parishes of unions existing at the time of the act. But the adoption of a new average, either wholly or in part, or of taking new averages at future periods, is left in the discretion of the commissioners. The recital of the clause states the evil which it is intended to remedy; and if the inquiry here directed be rigidly and accurately made and adopted with reference to general equity among the parishes, much good may be done by virtue of these provisions, which could otherwise only be accomplished by means of a special act of parliament. In all unions it would seem desirable to direct the inquiries and returns, to be made with reference to this clause and to their division into certain heads of expenditure, forming the subject of a common fund, and others separately chargeable to the parishes, according to the expenses incurred by them. These inquiries must extend to three years, ending Lady Day, 1834, and to all private rates levied on the parishes during that period; without a searching inquiry of this kind, fraud and injustice would always form an ingredient in fixing the proportions for a common fund.

And even where there are modern acts for the remedy of this injustice, it will be found useful to make these provisions available to so just an end as that of fixing the proportion which each parish ought jointly to contribute to the common fund.*

* There is little doubt that during the late years of the existence of the incorporation of Loes and Wilford in Suffolk, many parishes raised rates for their poor, without passing them through the accounts of the guardians, with a view to diminish their proportion

To prevent any withholding of the necessary information, and obviate the want of due preservation of records and books, the 30th clause substitutes the parliamentary returns, where the parochial returns are not forthcoming.

The 31st and 32d clauses enable the commissioners to dissolve, take from, or enlarge unions to any extent. Any parish, dissatisfied with being part of a union, may, if it can make its case good before the commissioners, and obtain the consent of not less than two-thirds of the guardians of the union, be separated from it. Other parishes may be added, with the like consent; and, indeed, the whole union may be dissolved under the same clause, and complying with the same provisions. With reference, however, to any dissolution of a union, it is scarcely to be expected that the commissioners will readily sanction such a plan, except for the purpose of reuniting the parishes on a new and extended scheme.

But to add parishes to a union, or to dissolve one

in the next general average. So in Blything hundred, in the last printed parliamentary returns, the amount of sums levied as poor-rate for one year exceeds 19,000*l.*, but the whole expenditure in the corporation books, during the same period, does not exceed 13,000*l.* And in parishes where labour rates, rates in aid, and the like have been raised, the evil is greater, and the injustice to other parishes of the same union the more glaring. In the hundreds of Loddon and Clavering in Norfolk, the proportions of contribution are the same as were fixed when the incorporation was first formed, whilst, owing to the operation of the law of settlement, the population of settled paupers has so varied, that where some parishes are paying twenty times their due proportion of the present expense of the establishment, others are paying as much less. This could only be remedied by a new act, such as that of Wangford, Mutford, Blything, and the like. In the Isle of Wight the same inequality prevails.

union with a view to adding its parishes to the neighbouring union, would be consistent with the powers given to the commissioners for extending the union system. In considering this clause, therefore, and previous to any exercise of its powers, guardians and parishes must weigh well the other provisions of the act; and, as their consent, or that of the guardians, rate-payers, and owners of property is required, they have a veto on the orders of the commissioners in this respect.

By clause 41 the commissioners are empowered, if they see fit, to direct that the election of guardians and other officers, appointed under Gilbert's or local acts, shall be made according to the provisions of this act, (Clause 40); that is, that the guardians shall be annually elected by the parishes of the union; no parish being without a guardian, owners having votes as well as rate-payers, the former as many votes as occupiers under the Select Vestry Acts, and the latter having two votes if rated above 200*l.* per annum, and three if rated at 400*l.* and upwards. The mode of election in that case would be fixed by the commissioners, and the justices would be *ex-officio* guardians, without election, it being at their option, however, whether to act or not. But, with the consent of the owners and rate-payers, the period of the service of guardians appointed under this act, their number, mode of appointment, and removal, may be varied as the commissioners may see fit. This clause does not, however, extend to vestrymen and other officers, elected under Hobhouse's Act, 1 and 2 Will. IV. c. 60.

By the 42d clause, special powers are given to

the commissioners to make rules and bye-laws for the government of workhouses in unions and parishes, and to vary those already in force. It will be observed that this power enables the commissioners to vary the bye-laws, but not the provisions, of a local act. The local acts are, indeed, part of the existing law, and can only be varied so far as the provisions of this or any other general act, or of some special act for the purpose, will allow.

By the 43d clause, when the commissioners have issued their rules, justices are empowered to see them enforced in any workhouse within their jurisdiction; and, until such rules are in force, the existing power of visiting workhouses is reserved.

Clause 46 empowers the commissioners to direct guardians to appoint paid officers, or to unite parishes, for the purpose of such appointment, for superintending the relief and employment of the poor, the auditing of accounts, and otherwise carrying the act into execution. And the commissioners are empowered to define and direct the execution of their duties, the limits of their exercise, the mode of appointment, their continuance in office, their dismissal, the security to be given, and the amount of salary to be paid, &c.

As these appointments rest with the guardians, it will be one of the subjects for their early consideration whether this provision may not be of advantage in their respective unions. For instance, the appointment of a general auditor of the accounts, or of an assistant-overseer, or a superintendent of *work, might* be preeminently useful. One of the

great advantages of a union is the saving of expense, by having one officer, or set of officers, for many parishes, instead of one for each parish. In a union, therefore, of fifty parishes, there may as well be one or two assistant-overseers, instead of fifty, as one or two instead of fifty masters of workhouses.

The appointment of an examiner of accounts would be of great service, as, under the 47th clause, the passing of accounts quarterly is strictly enjoined, whether the commissioners interfere or not.

The 48th clause gives an absolute power to the commissioners to remove officers who disobey their rules, &c., and render such displaced officers ineligible to any office connected with the relief of the poor in any such parish or union. This provision is evidently intended to avoid any conflicting orders between the commissioners and the guardians, and to protect the officers to whom they are directed, by declaring that the power to enforce orders rests with the commissioners. But in this case, as also in the 49th clause, relative to contracts, the provisions do not come in force till after rules have been made upon the subject of them.*

The 52d clause relates to out-relief. The regulation of this important branch of expenditure is here placed under the control of the commissioners, but they are to exercise this control by such rules, orders, and regulations, as they may see fit. Till these be issued, as has already been remarked, guardians may act as they think proper, in con-

* The proviso that no person who has been convicted of felony, fraud, or perjury, shall be eligible to a parish office, or have the management of the poor, was added in the House of Commons.

formity however with the existing law. It is a mistake to suppose that the parishes can only act as the commissioners may direct, and hence must stand still till they are told what to do; the commissioners have already told the parishes that they are to proceed as before, having reference to the general provisions of this act; all that the guardians have to do, therefore, is to proceed with due vigilance, and to take the powers of interference given to the commissioners as a guide in their own mode of executing the act. Under this view, they must not omit to notice the preamble to the 52d clause, which speaks of the practice of giving relief to persons wholly or partially in employment, as one productive of evil, but admits that it cannot suddenly be cured, and that the remedy cannot be universal. It is therefore clear that the circumstances of each parish or union must first be considered; and it may be repeated that inquiry, and reports upon that inquiry, will be the mode of action, whether it respects the guardians or the commissioners. The former cannot act without it, and the latter will require information at their hands. After the commissioners have interfered by their rules, &c., but not before, the provisions of the clause, extending to almost every contingency which can reasonably be expected in a parish, come in force.

The register required to be made and kept by the 55th clause depends, as to its form and particulars, and the day of its being made, upon the orders of the commissioners; meanwhile, it would be useful if guardians would turn their attention to their local

statistics, and prepare for such a register by directing one of the like sort to be kept at once.

The 58th and 59th clauses, enabling the commissioners to treat relief as a loan, rest wholly with them. They are intended to render the poor independent, and in some respects may have the effect of checking abuse, or saving an industrious poor person from the degradation of pauperism, by treating him as worthy of trust and credit.

The 61st clause, as to binding apprentices, does not come in force till the commissioners frame rules for the purpose. The subject of parish apprentices is one in which there is much division of opinion. It is also of considerable importance, both as it regards the welfare of the poor and the burthens borne by occupiers. As the law now stands, a person is compellable, in respect of his occupation in a parish, to take a parish apprentice; but he cannot discharge his apprentice when he quits his occupation, an anomaly productive of great hardship, particularly in cases of large occupations, where a whole set of apprentices are allotted; and as soon as the occupier leaves, his successor has another set sent to him, and other occupations in the parish are thus nearly exempt. There is no doubt that the apprenticing of poor children is a good mode of relief, but it can scarcely be said that a compulsory system of binding is advantageous to any of the parties concerned. Amongst the inquiries which guardians will make, this would hold a place, since information as to the practice, and opinions as to any alteration of the law, must be highly valuable to the commissioners.

The 85th clause enables the commissioners to call for an account of trust or charity estates in any parish or union. This is a power similar in many respects to that in Sir J. Hobhouse's act. It is one which may be productive of good results; as the reports of the chancery commissioners have shown how many abuses and errors have crept into the administration of these parochial charities.

By the 86th clause, advertisements, securities or contracts, made in pursuance of the directions or rules of the commissioners, are exempted from stamp duty; other advertisements, &c. do not appear to be entitled to this privilege.

By the 89th clause, payments at variance with the rules of the commissioners are directed to be disallowed; and the 95th clause inflicts a penalty for any disobedience of the orders of justices or guardians in carrying the rules, &c. into execution; And the 98th clause inflicts penalties against those who shall disobey the rules of the commissioners or assistant commissioners, or be guilty of contempt of the commissioners sitting as a board. It is to be remarked, that the commissioners have no power of enforcing these penalties except on complaint before two justices; and as subsequent clauses give power of appeal against their convictions, and of moving the rules themselves into the Court of King's Bench, by writ of certiorari, it is clear that guardians, and the parishes they represent, need be under no apprehension of crude or illegal proceedings on the part of the commissioners; and although the privilege of the writ of certiorari can only be obtained under certain restrictions, it will

be seen that they are not inconsistent with the existing practice; or if more strict and defined in some respects, they will be found to be necessary safeguards against wilful and vexatious attempts to impede the course of the commissioners in the discharge of their honourable but difficult office.

Lastly, it remains to be seen what Provisions have been made for extending the System of Unions, or the Representative Government of Parishes.

The first clause on this subject is the 26th, which empowers the commissioners to unite such parishes as they may think fit, for the purpose of administering the laws for the relief of the poor. In such a case, the workhouses are to be in common, but each parish separately chargeable for the maintenance of its own poor.

Few clauses have been more attacked, or more misunderstood, than this, both in or out of Parliament, for there seems to have been some strange misapprehension as to the effect of the power here vested in the commissioners. Of the advantages of a union none can doubt who will consider the simple point, that combined management is more economical, disinterested, and effectual, than separate jurisdictions. And if the matter be further inquired into, it will be found that the management in unions already formed, where rightly conducted, is far superior to that of unincorporated parishes. If this be the fact, and the evidence of the Committee of Inquiry into the Poor Laws, and the returns from

time to time made to Parliament, prove it to be so, it is scarcely needful to inquire into the cause; but it may be urged that the representative system, which places the overseers under the immediate direction of the rate-payers, is one of the chief causes of the improvement in parochial management. This benefit, it is true, may be secured by guardians or a select vestry, and the 39th clause enables the commissioners to direct guardians to be elected for single parishes. But there is little doubt that if, for a single parish, this system be advisable, it will be found of far greater benefit when extended to a union. In country parishes, which are generally of small extent, or with a population thinly scattered over an extended surface, a sufficient number of guardians could not be found, so as to give full scope to the advantages of the system. Added to which, it has been matter of universal remark and surprise, that so strong is the barrier raised by the parochial division into which the country is distributed—so great the apathy or jealousy which exists on either side of a parish boundary, that the best management in a single parish finds no imitator in its neighbour, and the worst may go on unheeded by those who, even if they had the will, have not the power to advise or enforce a wiser and better system of administration. The system of uniting parishes, and enabling each to send a guardian to a common board, where, by mutual advice and a free interchange of communication between one parish and another the best system can be brought forward as a pattern, and the worst be put in train for improvement, might, however, if the proof were

wanting and the experiment had now to be tried for the first time, be fairly assumed to be an extension of the system of parochial guardians or select vestries. If good in this detail, it surely cannot be worse in the aggregate. But the principle on which guardians for single parishes have been found advantageous, both to the rate-payer and the pauper, is that private interest and abuse are more completely checked by the strict supervision and control of a board, interested in keeping down the expenditure, but sufficiently removed from that immediate pressure which the wants of those who rely on their ingenuity, or on the intimidation which they could bring to bear on the overseer, is certain to produce, unless met by power well defined and supported. Nor must the economy be overlooked. If, under this power, fifty, or even one hundred parishes were united, three or four workhouses, with as many sets of officers, would supersede one for each parish. And if, as the fact is, it be difficult to find a really efficient master of a workhouse, or other officer, the chances are greatly in favour of a union, where but so few are required for so many parishes. The trite objection to unions has been that they take from rate-payers the management of their own affairs, of which they are the best judges. It is sufficient to point for an answer to the result of unions, where good management has caused at once a saving of expense and a more healthy system of relief, as it regards the poor themselves, or to single parishes of great extent, such as Marylebone, where the like result has been effected. But the argument itself is based on a fallacy; for it must be

recollected that the rate-payers do not represent the owners, and the poor have no voice at parish vestries, where their interests are discussed and determined, under the assumption that those who raise the tax for the benefit of the poor ought alone to have a voice in the distribution. It will be found, that where there is a board formed from several parishes, the real interests of the poor are better attended to than if the guardians were merely distributing their own monies; and although the legislature, in delegating to local jurisdictions the right to govern and legislate for the poor by a board of representatives, has forgotten that the poor are not represented, yet the system of guardians is decidedly an improvement on the ill-will, the caprice, the ignorance, or even the mistaken though good intentions of the annual overseers. But the present act is a decided improvement on this delegation of the power of legislation to local judicatures, because it gives a voice to the owners of property, on whom the burthen of the poor rate ultimately falls, although, hitherto, as owners, they have had no voice in parochial management; and, as regards the poor, the intervention of the commissioners is a safeguard for them which they have much needed. On this latter point, it has been studiously held out to the public, that the intention of those who have passed this important measure is to oppress the poor and to deprive them of what is termed their right to relief. It would probably be a vain, if not a presumptuous, task, even to attempt to meet this misrepresentation of the act. Those who really think it deserves this harsh character will not be diverted from their view, until they see that by

its working it disproves their opinion. Those who have attacked it from some distorted or interested views, will continue their attacks, and even redouble their vigour, because their predictions, that such a measure could never pass, have been shewn to be as erroneous as were their misrepresentations of the provisions of the bill, before they were known to the country, or perhaps understood or read by themselves. It appears, however, essential to advert to these points, and simply to deny the calumny whilst speaking of these important provisions, in addressing those whose substantial interests are too much at stake to allow of their being misguided by factious and unprincipled views of an act affecting every class in the kingdom. And it is more necessary to join issue on this point of unions, than on any other; for the history of the poor laws shows that, even from the 43 Eliz. a union of parishes has been contemplated. The rating in aid of that act; the provisions for parishes assisting each other in having a common workhouse in 9 Geo. I. and the subsequent acts; the attempt of Mr. Gilbert, in 1765, to introduce a measure, allowing unions to be formed without consulting the parishes, but which then was rejected by parliament, and its partial adoption by the Norfolk and Suffolk Incorporations, at that period and subsequently; the act of 1782 (22 Geo. III. c. 83), known by Mr. Gilbert's name; and the more recent acts for appointment of guardians, select vestries, and vestrymen; all recognize, and sanction, the principle which it is to be hoped the commissioners will bear in mind when they shall be prepared to

enter upon active duty. The subject might be much enlarged upon, but it would be inconsistent with the object of these pages to dwell longer upon it.

Another of the misrepresentations of the act has been, that it forces all the poor into workhouses. To those who are presumed to have read the act, it is needless to assert, that there is no such enactment in it. The power to solve the difficult question of the extent of out relief to the able-bodied, and the mode in which it may be given in or out of a workhouse, is given of necessity to the commissioners, and in existing unions, till the commissioners interfere, rests with the guardians. If they see fit to dispense with the workhouse they can do so, and, in like manner, they have the power to enforce that mode of relief if they choose. It is, however, notorious, that the parishes are opposed to the workhouse system, under the persuasion of its being more expensive than out-relief. If left to the parishes, the workhouse would be deserted. In unions, however, formed under this act, and in none other, power is given, by the 27th clause, to two justices, to order relief to aged and infirm persons out of a workhouse, one of the justices having the responsibility of certifying that such person is unable to work.

In forming these unions, the 28th and 30th clauses point out how the proportion of the expense of providing and maintaining workhouses are to be met; and to meet the variations consequent upon the operation of the law of settlement, power is given to the commissioners for adjusting the proportions at future periods. The principle on which the provisions

of this clause is based is taken from Gilbert's Act (22 Geo. III. c. 83. s. 24), and the local acts framed under his views.

The 33d clause, which enables unions to form themselves into a district for the purposes of settlement, is optional with the guardians, but the unanimous consent of the whole body of guardians is made necessary to prevent any one parish from being swamped by the others; and the approbation of the commissioners is required, partly for the same reason, and partly to ensure regularity in the proceedings. If this provision be adopted by any union, all the paupers will, as between its parishes, belong as much to one as the other; but it is especially to be noticed, that the proportion of contribution or expense paid by each parish at the period of the union becoming a district for settlement, remains fixed. Great misapprehension has existed on this point; for it has been asserted, and believed, that by such a union the well-managed parish would cease to enjoy its advantages, and be burdened with the errors of its neighbours. Such is not the case. Whatever a parish has paid previous to this union it will continue to pay, and the common fund will be met by contributions from each in this fixed and unalterable proportion. The management will be common to all, and the barriers which the law of settlement now raises up between neighbouring parishes will be broken down, and the labour market open to all alike. Such a system, if adopted to any extent, must finally lead to the abolition of settlements altogether. This blending of settlements prevents the keeping of any distinct accounts between the parties,

and this is an additional reason for the proportion being fixed and invariable.

The 34th and two following clauses extend the provision still further, and enable unions once formed into a common district for settlement, to have a common rate. In this case the whole expenditure of the parishes, of whatever description it may consist, must be in common; for the rate being a district rate, and a new valuation made to meet it, the union will, in fact, become one large parish.

To ensure uniformity, the consent of the commissioners is required by clause 37, before any union can in future be formed under Gilbert's Act. Indeed it would be waste of time for parishes to adopt this act without such consent; as if they did, the commissioners would immediately have the power to make them conform to the provisions of the new act.

Clauses 38 and 40 point out how guardians are to be annually elected, following the plan of a representative for each parish, and giving owners as well as occupiers a right to vote. Justices are declared to be ex-officio guardians; thus showing, that although their power is abridged in other parts of the act, yet such a measure is only for the purpose of avoiding conflicting jurisdictions, as in many former acts, where they are restricted from interfering with guardians, whilst the benefit of their habits of business and intelligence is secured to the parishes by their being thus made members of the board of guardians. The qualifications, duties, &c. of the guardians, is of course left to the

commissioners, who can only decide according to the circumstances of each parish.

Clause 46 gives a distinct and useful power to the commissioners to form unions merely for the purpose of appointing officers. As the act gives no power of ordering workhouses to be built, it is not unlikely that this power will frequently be exercised, leaving it to the parishes themselves to build workhouses for common use. In reference to accounts, or employment of the poor, as well as their general out-relief, this will be a useful provision.

There is yet another point to which the guardians of existing unions may well direct their attention, namely, the joining two or more unions together. The act does not give this power expressly; but by dissolving a union, the parishes of which it is formed might be added to any neighbouring union. The object of such an extension of the system would be to give a fair trial to the system of managing the poor in large districts. At present few unions exceed fifty parishes; but if good for fifty, why not for a hundred? The districts of Loddon and Clavering, in Norfolk; of Mutford and Lothingland, and Colneis and Carlford, and formerly Loes and Wilford, hundreds, in Suffolk, are, in fact, an illustration of the way in which such a plan might be adopted; and if two hundreds be incorporated to form one union for the management of the poor, two or more such unions might follow the example. The advantage to be gained by joining existing unions would be that of having the united workhouses ready for use without putting the parishes to the additional

expense of building. The Rev. C. Clarke, one of the directors of Blything and also of Wangford hundreds, and an owner and occupier in both, as also in Mutford, in his valuable communication to the Commission of Inquiry, points out the difference in the management of the three incorporations, and the results arising from that difference; and it will clearly be inferred from his arguments, that if uniformity were effected, and one good management extended to the district, great improvement would ensue to all classes, and not least to the poor themselves, much of whose distress arises from their being harassed by the conflicting jurisdictions and uncertain arrangements of adjoining districts, and to those — a very numerous class — who advocate a general rate, the adding of district to district will seem an important step. At the same time, as the commission is yet in its infancy, this suggestion is one for deliberation at a distant period; I have merely named it, because, as it must rest wholly with the guardians, or the owners and rate-payers, of the parishes who would be affected by it, it did not seem out of place in remarks addressed to those classes on the general subject of unions.

INDEX.

General Clauses.

PAGE

Cl. 109. Interpretation Clause 7

2. 12. 13. Power to call for returns, witnesses, &c. 8

Clauses immediately affecting unions, or parishes under special government, pp. 9—29.

Cl. 19. Bye-laws 9

21. Exercise of powers of existing statutes, general and local.. *ib.*

22. Bye-laws of ditto 10

45. Lunatics 11

47. Passing accounts ..... *ib.*

50. Contracts 12

53. Repeal of 36 Geo. III. &c. ..... *ib.*

— 36 Geo. III. c. 23, and 55 Geo. III. c. 137; 9 Geo. I. c. 7; 3 and 4 Will. and Mar. c. 11 ..... 12—17

54. Relief in unions ..... 18—22

56, 76. Liability of Relatives to maintain each other 22

57. Children 23

60. Families of balloted men, &c. ..... *ib.*

62. Emigration 24

63. Exchequer loan-bill commissioners ..... *ib.*

64—68. Settlement ..... *ib.*

69—76. Bastardy ..... *ib.*

77. Officers supplying goods 25

79—84. Appeals 27

86. Exemption from stamps ..... *ib.*

89, 95. Disallowance of payments ..... *ib.*

91—94. Spirituous liquors in workhouses, &c. 28

95, 96, 97. Penalties ..... *ib.*

98—109. Recovery of ditto, and Interpretation Clause 29

Powers of the Commissioners affecting Unions, &c., pp. 29—41.

PAGE
Cl. 22. Bye-laws of 22 Geo. III. &c. ... 29
15. Mode of executing powers of act ... *ib.*
16, 18, 20. Time of rules coming in force, &c. ... 30
11, 20. Ditto assistant commissioners ... 31
21. Exercise of powers, &c. ... *ib.*
23, 25. Building and enlarging workhouses ... 32
29. Inquiries and fresh averages in existing unions ... 33
30. Parliamentary returns ... 34
31, 32. Dissolving unions, &c. ... *ib.*
41. Alteration in electing guardians ... 35
42. Bye-laws for workhouses ... *ib.*
43. Justices power of visiting, &c. ... 36
46. Appointment of paid officers ... *ib.*
48. Removal of ditto ... 37
52. Out-relief ... *ib.*
55. Register of paupers relieved ... 38
58, 59. Relief by way of loan ... 39
61. Apprentices ... *ib.*
85. Charity estates ... 40
86. Stamp duty ... *ib.*
89, 95, 98—109. Disallowance of payments, and penalties.—Certiorari, &c. ... *ib.*

Provisions for forming Unions, &c. pp. 41—50.

26. Powers of forming unions ... 41
28, 30. Mode of fixing proportion of expense, &c. ... 46
33. Unions for settlements ... 47
34—36. Ditto for rating ... 48
37. Future ditto, under Gilbert's Act ... *ib.*
38, 40. Election of guardians ... *ib.*
46. Unions for appointing officers ... 49

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